



File Ref: 233295

7 November 2008

Mr Michael Carter  
Executive General Manager  
QR Network Pty Ltd  
GPO Box 1429  
Brisbane Qld 4001

Dear Mr Carter

**Notice of Investigation**

**QR's Voluntary Draft Amending Access Undertaking – West Blackwater Reference Tariff**

On 30 October 2008, the Queensland Competition Authority (the Authority) received an application by QR Network to amend its approved access undertaking to establish a new West Blackwater cluster, and reference tariff, for coal-carrying services operating from the Minerva mine to the port of Gladstone.

The Authority intends to conduct an investigation into the proposed amendments to the undertaking.

Section 146 of the *Queensland Competition Authority Act 1997* (the QCA Act) requires the Authority to formally provide the owner of the service with a notice that it proposes to start an investigation and to invite the owner of the service to make a written submission. This is the purpose of this letter.

**Notice of Investigation**

In accordance with s146 of the Act, the Authority advises that it proposes to conduct an investigation into QR Network's application for amendments to its approved access undertaking, to decide whether or not to approve the draft amending access undertaking (DAAU).

In accordance with s143 of the Act, the Authority may approve a DAAU only if, inter alia, it has:

- published the undertaking and invited persons to make submissions on it; and
- considered those submissions.

**Submissions**


The Authority has published QR Network's DAAU on its website ([www.qca.org.au](http://www.qca.org.au)) and sought submissions from interested parties.

The Authority invites a written submission from QR Network. To assist in this regard, attached is a Submissions page to assist in the preparation and lodgement of submissions for the draft amending access undertaking.

QR Network is welcome to comment on any aspect of the DAAU. However, the Authority is seeking particular comment on whether it is appropriate to seek to recover the full DORC valuation of the line section from the Minerva mine at Wurba junction to Burngrove given, amongst other things, the capacity of the line.

Any inquiries should be directed to Paul Bilyk on (07) 3222 0506. While the Authority would normally allow four weeks for submissions, the Authority has already consulted on a preliminary version of this DAAU which QR Network submitted on 1 August 2008. This current DAAU is substantively the same as that earlier preliminary DAAU. Therefore, the closing date for all submissions is **21 November 2008**. However, should any stakeholder consider that more time is necessary, the Authority would consider extending the closing date by up to two weeks.

Yours sincerely



Brian Parmenter  
Chairman

## SUBMISSIONS

Public involvement is an important element of the decision-making processes of the Queensland Competition Authority (the Authority). It therefore invites submissions from interested parties concerning its assessment of QR's voluntary draft amending access undertaking (DAAU) which was submitted by QR Network to the Authority on 30 October 2008. The purpose of QR Network's DAAU is to provide for a new West Blackwater cluster, and reference tariff, for coal-carrying train services operating from the Minerva mine to the port of Gladstone.

Written submissions should be sent to the address below. While the Authority does not necessarily require submissions in any particular format, it would be appreciated if two printed copies are provided together with an electronic version on disk (Microsoft Word format) or by e-mail. Submissions, comments or inquiries regarding this paper should be directed to:

Queensland Competition Authority  
GPO Box 2257  
Brisbane QLD 4001  
Telephone: (07) 3222 0506  
Fax: (07) 3222 0599  
Email: rail@qca.org.au

The **closing date** for submissions is 21 November 2008.

### **Confidentiality**

In the interests of transparency and to promote informed discussion, the Authority would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should claim confidentiality in respect of the document (or any part of the document). Claims for confidentiality should be clearly noted on the front page of the submission and the relevant sections of the submission should be marked as confidential, so that the remainder of the document can be made publicly available. It would also be appreciated if two copies of each version of these submissions (i.e. the complete version and another excising confidential information) could be provided. Again, it would be appreciated if each version could be provided on disk. Where it is unclear why a submission has been marked "confidential", the status of the submission will be discussed with the person making the submission.

While the Authority will endeavour to identify and protect material claimed as confidential as well as exempt documents (within the meaning of the *Freedom of Information (FOI) Act 1989*), it cannot guarantee that submissions will not be made publicly available. As stated in s187 of the *Queensland Competition Authority Act 1997* (the QCA Act), the Authority must take all reasonable steps to ensure the information is not disclosed without the person's consent, provided the Authority is satisfied that the person's belief is justified and that the disclosure of the information would not be in the public interest. Notwithstanding this, there is a possibility that the Authority may be required to reveal confidential information as a result of an FOI request.

### **Public access to submissions**

Subject to any confidentiality constraints, submissions will be available for public inspection at the Brisbane office of the Authority, or on its website at [www.qca.org.au](http://www.qca.org.au). If you experience any difficulty gaining access to documents please contact the office on (07) 3222 0555.

Information about the role and current activities of the Authority, including copies of reports, papers and submissions can also be found on the Authority's website.